

**REMARKS/ARGUMENTS**

Claims 1-8 were presented for examination. By the Office Action dated October 25, 2004, Claims 1, 6 and 7 were rejected under 35 U.S.C. §102(b) as being anticipated by Dayan (U.S. Patent 5,230,052). Claims 1-5 and 7-8 were rejected under 35 U.S.C. §103(a) as being obvious in view of Dayan and Tamori et al. et al. (US. Patent 5,960,455). Drawings were objected to under 37CFR 1.83(a) for not including every feature of the invention specified in the claims.

By this response, Claims 2-8 remain unchanged and Claim 1 has been amended. Claims 1-8 remain pending. A replacement drawing sheet is enclosed herein. No new matter has been added. Given the reasons set forth below, reconsideration is respectfully requested.

**Rejection under 35 USC §102**

Claims 1, 6 and 7 were rejected under 35 U.S.C. §102(b) as being anticipated by Dayan (U.S. Patent 5,230,052).

Applicant respectfully but strongly submits that the cited document, Dayan (U.S. Patent 5,230,052), does not anticipate Applicant's claimed invention. The boot up process taught by Dayan involves loading a BIOS image (required for effective use of a local computer system) and auto configuration instructions into the local computer system from a remote storage location, in particular from a remote computer system (col. 6, line 9-11 and Figure 1). In order to permit the reduction of the expanse of the read only memory (ROM) in the local computer system, Dayan teaches that the local computer system is operatively associated with the remote computer system, wherein the system processor of the remote computer system works in association with that of the local computer to allow procurement of the BIOS image stored in the remote computer by the local computer system provides (col.6, line 29-37). The BIOS image in the remote computer system is stored in direct storage device (DASD) or CD-ROM. The local computer system is associated to the remote computer system via the local area network (col. 6, line 29-37 and line 47-50). The ROM of the local computer system stores only minimal portion of BIOS needed to initialize the local computer system to establish a

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connection and procure BIOS image from the remote computer system (col. 6, line 9-14). Dayan also teaches that a user of the local computer system is able to select a list of devices such as the remote computer system to procure BIOS and auto configuration instructions (col. 6, line 22-28).

On the contrary, the process of Claim 6 comprises initializing a plurality of registers in a processing device, reading the agent code from ROM and executing it to effect the reading of the plurality of the agent records (an appropriate BIOS or the remainder of BIOS as the Examiner believes) stored in the electrical programmable memory device (EPMD) and checking for a match between the first agent record identification code and a second agent record identification code, wherein the agent code contains a first agent record identification code and wherein the agent record contains a second agent record identification code. Where a match exists, data from the matching agent record is assigned to a specified register.

Thus, Dayan does not teach, suggest or hint at the use of an agent code and agent record in a boot up process to update a specified register of a processing device, wherein the boot up process comprises assigning data of an agent record whose agent record identification code matches that of the agent code being executed, to a specified register identified by the register identification code of the matching agent record.

Based on the foregoing, applicant respectfully submits that the subject matter of original Claim 6 is patentable in view of Dayan.

In the office action, the method of original claim 1 was considered to be known from Dyan. In this respect, it should be noted that claim 1 has been amended in accordance with the method of original claim 6. Amended claim 1 recites that the method of executing an agent code comprises:

- initializing a plurality of registers, and
- the agent code includes an agent record identification code, which includes a register identification code, thereby initiating reading the agent record with a matching agent record identification code from the erasable programmable memory device and loading it into the register of the processing device that is identified by the register identification code of the read agent record.

Accordingly, the arguments presented above in support of the novelty of original claim 6 also apply to amended claim 1. Since Dayan does not teach, suggest or hint at the boot up process of original Claim 6 of the invention, the reference does not teach the corresponding claimed method of amended Claim 1 and the corresponding electronic device of original Claim 7. Therefore, amended Claim 1 and original Claim 7 are also patentable over Dayan.

#### **Rejection under 35 USC §103**

Claims 1-5 and 7-8 were rejected under 35 U.S.C §103(a) as being obvious in view of Dayan and Tamori et al. et al. (US. Patent 5,960,455). Applicant submits that the subject matter of amended Claim 1 is not obvious in view of the cited references either taken individually, or in combination.

Tamori et al. teaches the use of a BIOS updating method, wherein the method involves the use of a flash ROM (a non-volatile memory device) which is compartmentalised into three portions or banks (banks: bank A, bank B and a common area) (see claim 1, figure 6, col. 5 line 49-67). Tamori et al. teaches that data which is first read (agent record as the Examiner believes, see also col. 6, line 8-10) is stored in the common area. Tamori et al. teaches that the BIOS updating program is also stored in the common area. Tamori et al. further teaches that the old BIOS is stored in bank B before it is erased from bank A. The new BIOS is downloaded from a predetermined network and home server and stored in bank A. A readily accessible memory (RAM) is used as a means of temporary storage of the old and new BIOS during the updating process. Tamori et al. also teaches that in the updating method the central processing unit (CPU) accesses different banks with the use of the bank register and bank change circuit (see col. 6, line 44-67 col. 7, line 1-25 and figures 6 and 10-18).

Thus Tamori, like Dayan does not teach, suggest or hint at the use of an agent code and agent record in a boot up process to update a specified register of a processing device. Neither does Tamori et al. teach that the agent code is stored in a ROM and the storage of the agent record in an EPMD. On the contrary, Tamori et al. teaches that the data which is first read (an agent code as claimed by the Examiner, see also col. 6, line 8-10) is stored in flash ROM (a non-volatile memory device) and not ROM, and in addition

the old and new BIOS (agent record as the Examiner believes) are stored in the same memory device.

On the contrary, the method of amended Claim 1 defines that the agent code and agent record are stored separately in different memory devices, namely the ROM and EPMD respectively. Furthermore, the method recited in amended Claim 1 does not make use of a RAM for temporary storage of the old and new BIOS (agent record as the Examiner believes).

In addition, Tamori et al. is concerned with providing an information processor, a program updating method and an information processing system arranged to save current BIOS in a spare storage area before updating of the BIOS in order to enable BIOS to be immediately installed if writing of a new BIOS ends in failure and to prevent old BIOS from being lost by an operation error. Therefore, the teaching of Tamori et al. is not pertinent to the particular problem with which Applicant's invention is concerned. A skilled person would not have taken into account the teachings of Tamori et al. when in search of a method of correction of register values inside a processor device without the need of costly remasking and newly producing of the ROM by executing an agent code (to which the Applicant invention relates).

Moreover, even if a skilled person were to combine the teachings of Dayan and Tamori et al., he would not have arrived at the method of the claimed invention. The combination of the teachings in these two references would only have lead to a method that requires the use of a RAM to facilitate the temporary storage and update of BIOS. This method is distinctively different from the method of amended Claim 1 which uses an agent code and agent record in a boot up process to update a specified register of a processing device, wherein the boot up process comprises assigning data of an agent record whose agent record identification code matches that of the agent code being executed, to a specified register identified by the register identification code of the matching agent record. This method also does not involve the use of a RAM.

In summary, the applicant submits that the teachings of Dayan and Tamori et al. do not render the invention as recited in amended Claim 1 obvious. Amended Claim 1 is therefore patentable in view of the cited references.

Original dependent claims 2-5 are also patentable over Dayan and Tamori at least for the same reasons that amended Claim 1 is patentable. In addition, with reference to item 15 of the Office Action and based on the foregoing reasons, since Dayan and Tamori et al do not teach the method of Claim 1, they do not teach the claimed electronic device of original Claims 7-8. Therefore, Claims 7-8 are also patentable for the same reasons that amended Claim 1 is patentable.

#### Drawings

Previously omitted features specified in the Claims of the invention have been included in the amended drawings. The plurality of agent records as per Claim 5 and the operating system as per Claim 3 have been included in the EPMD of the amended Figure 1. A replacement drawing sheet is enclosed herein. Accordingly, Applicant respectfully submits that the objection to the Drawings has been overcome.

#### Conclusion

In light of the foregoing, withdrawal of the rejections and objection of record are earnestly solicited.

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Respectfully submitted,



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